

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 17926 of 2007****For Approval and Signature:****HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ISHWARBHAI BHAVANBHAI PANARA - Petitioner**Versus****THE DISTRICT DEVELOPMENT OFFICER (REVENUE) & 3 - Respondents**

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= Appearance :

MR GK RATHOD for Petitioner:MR MUKESH H RATHOD for Petitioner: 1,

NOTICE SERVED BY DS for Respondents : 1 - 4.

MR HRIDAY BUCH for Respondents : 3,

MR HEMANT MAKWANA AGP for Respondent: 4,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**Date : 14/09/2007****ORAL JUDGMENT**

1. Rule. Mr. Hriday Buch, learned advocate and Mr. Hemant

Makwana, learned AGP waives service of Rule on behalf of respondent No. 3 and 4 respectively. With the consent of the counsel appearing for the parties, the Rule is fixed forthwith.

2. The petitioner has approached this Court under Article 226 of the Constitution of India challenging the inaction, omission on the part of the respondents in not making payment of the dues as per the Award of the Labour Court in Reference (LCA) No. 1244 of 1991 despite there being recovery certificate issued by the Hon'ble Court in Recovery Application No. 169 of 2005. The recovery certificate is dated 4.8.2006. Till date, the petitioner has not received his dues.
3. Shri Rathod, learned counsel appearing for the petitioner has submitted that the petition be disposed of on appropriate directions for making payment.
4. Shri Buch and Shri Makwana, learned counsel appearing for the respondent Nos. 3 and 4 respectively could not resist this petition on any substantial plea as the fact remains to be noted that the petitioner has yet not been paid the dues as awarded.
5. This petition deserves to be therefore disposed of on issuing following directions :

“The respondent No. 3 Panchayat shall comply with the Award within 30 days from the receipt of the writ of this Court. If the

petitioner is not paid his dues as per the Award, then, the petitioner may approach respondent No. 4 within a week after the aforesaid limit of 30 days is over and the Collector shall take appropriate proceedings pursuant to the certificate of recovery dated 4.8.2006. The proceedings by respondent No. 4 shall be initiated within 15 days thereafter and the recovery be effected in accordance with law."

6. With this direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent. Parties are at liberty to approach this Court in case of difficulty.

(S.R.BRAHMBHATT, J.)

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